UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,516	02/24/2004	George R. Borden IV	SLA1532 (7146.0197)	2749

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ART UNIT	PAPER NUMBER
2179	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/786,516	BORDEN, GEORGE R.
	Examiner	**Art Unit**	
	JOHN M. HEFFINGTON	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>28 October 2008</u>.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1,3-5 and 7</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1, 3-5 and 7</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is in response to requested for continued examination file 28 October 2008.

Claims 1 and 5 have been amended. Claims 2 and 6 have been cancelled. Claims 1,

3-5 and 7 are pending and have been considered below.

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 28

October 2008 has been entered.

Response to Arguments

2.   Applicant's arguments filed 28 October 2008 have been fully considered but they

are not persuasive.

The applicant argues that Sezan does not disclose each video clip and key frame

automatically selected by said personal video recorder by jointly analyzing the frame

content, over a plurality of sequential frames. The examiner respectfully disagrees.

Sezan discloses the analysis module may create a key-frame summary by identifying

key-frames of a multi-level summary and passing the information to be used to generate

the program views, and in particular a key-frame view to the description scheme and an

audio-visual analysis and feature extractor (column 8, lines 44-53), wherein, a search,

filtering, and browsing (SFB) module implements the description scheme technique by

parsing and extracting information contained within the description scheme. The SFB

module may perform filtering, searching and browsing of programs on the basis of the

information contained in the description schemes (column 9, lines 9-26). The examiner

argue that audio-visual analysis and extracting, filtering, searching and browsing

involves analyzing the frame content over a plurality of frames of the video, i.e. the key

frames are not randomly extracted from the video, the key frames are extracted by

audio-visual analysis involving filtering, searching and browsing.

The applicant argues that Sezan does not disclose that the key-frames are not created

from material on a DVR. The examiner respectfully disagrees. Sezan discloses that

the program may originate from any suitable source, including a computer hard drive

(column 7, lines 56-63).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1, 3-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Sezan et al. (US 6,236,395 B1).

Claim 1: Sezan discloses a method for presenting a graphical user interface for a

personal video recorder to a user, said method comprising:

  a. Simultaneously presenting on a display, a plurality of different key frames, each

     key frame associated with a respective different video separately recorded onto a

     storage medium of said personal video recorder, and representative of a clip

     within the respectively associated different video, each video clip and key frame

     automatically selected by said personal video recorder by jointly analyzing the

     frame content, over a plurality of sequential frames, of the respectively

     associated video recorded on said storage, to which said video clip and said

     plurality of different key frames respectively belong, together with the frame

     content, over a plurality of sequential frames, of at least one other video recorded

     on said storage (column 1, lines 29-41, column 3, lines 39-47, column 4, lines 3-

     6, column 7, lines 56-63, column 8, lines 10-36, lines 42-55, column 9, lines 9-26,

     column 14, lines 7-40),

  b. Presenting on said display, a plurality of sequential frames of one of said video

     clips, beginning from the first frame of the presented one of said video clips, in

     response to a user selecting a key frame associated with the presented one of

     said video clips (column 4, lines 9-15, column 8, lines 10-36),

but does not disclose presenting title information, length information, quality information

and source information regarding at least one of the presented one of said video clips

and the video associated with the presented one of said video clips. However, Sezan

discloses program profiles which define distinctive characteristics of the content of the

program, such as actors, stars, rating, director, release date, time stamps, keyword

identifications and categories which can be used for filtering in the search for video

information. Therefore, it would have been obvious to one having ordinary skill in the

art at the time of the invention to add presenting title information, length information,

quality information and source information regarding at least one of the presented one

of said video clips and the video associated with the presented one of said video clips to

Sezan. One could have been motivated to add presenting title information, length

information, quality information and source information regarding at least one of the

presented one of said video clips and the video associated with the presented one of

said video clips to Sezan to facilitate the user in identifying a clip more accurately.

Claim 2: Canceled

Claim 3: Sezan discloses the interface of claim 1 wherein said plurality of different key

frames is presented in a two dimensional array (figures 5 and 9).

Claim 4: Sezan discloses the method of claim 1 but does not disclose the selection of

one of said video clips is based upon, at least in part, the selection of a second video

clip. However, Sezan discloses selecting a video based upon a program description

wherein the program description scheme identifies the contents of a second video

segment (claim 9). Sezan discloses identifying two related video clips associated with

the same program description. Therefore, it would have been obvious to one having

ordinary skill in the art at the time of the invention to add selection of one of said video

clips is based upon, at least in part, the selection of a second video clip to Sezan. One

could have been motivated to add selection of one of said video clips is based upon, at

least in part, the selection of a second video clip to Sezan because Sezan discloses

filtering video content based on user criteria and a user in Sezan may want to quickly

scan clips of videos by the clips being played automatically consecutively.

Claim 5: Sezan discloses a method for presenting a graphical user interface for a

personal video recorder to a user, said method comprising:

   a. Simultaneously presenting on a display, a plurality of different key frames, each

      key frame associated with a respective different video separately recorded onto a

      storage medium of said personal video recorder, and representative of a clip

      within the respectively associated different video, each video clip and key frame

      automatically selected by said personal video recorder jointly by analyzing the

      frame content, over a plurality of sequential frames, of the respectively

      associated video recorded on said storage, to which said video clip and said

      plurality of different key frames respectively belong, together with the frame

      content, over a plurality of sequential frames, of at least one other video recorded

on said storage (column 1, lines 29-41, column 3, lines 39-47, column 4, lines 3-
6, column 7, lines 56-63, column 8, lines 10-36, lines 42-55, column 9, lines 9-26,
column 14, lines 7-40),

b. Presenting on said display, a plurality of sequential frames of one of said video
clips, beginning from the first frame of the presented one of said video clips, in
response to a user selecting a key frame associated with the presented one of
said video clips (column 4, lines 9-15, column 8, lines 10-36),

but does not disclose the selection of one of said video clips is based upon, at least in
part, the selection of a second video clip. However, Sezan discloses selecting a video
based upon a program description wherein the program description scheme identifies
the contents of a second video segment (claim 9). Sezan discloses identifying two
related video clips associated with the same program description. Therefore, it would
have been obvious to one having ordinary skill in the art at the time of the invention to
add selection of one of said video clips is based upon, at least in part, the selection of a
second video clip to Sezan. One could have been motivated to add selection of one of
said video clips is based upon, at least in part, the selection of a second video clip to
Sezan because Sezan discloses filtering video content based on user criteria and a
user in Sezan may want to quickly scan clips of videos by the clips being played
automatically consecutively.

Claim 6: Canceled

Claim 7: Sezan discloses the method of claim 5 wherein said plurality of different key
frames is presented in a two dimensional array (figures 5 and 9).

Conclusion

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to John M. Heffington whose telephone number is (571)
270-1696. The examiner can normally be reached on Mon - Fri 8:00 - 5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for
the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the
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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a
USPTO Customer Service Representative or access to the automated information
system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMH

12/16/08

/Ba Huynh/

Primary Examiner, Art Unit 2179